

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 28, 2013

8:30 A.M. ROLL CALL

Invocation by Pastor Dale Oquist of Peoples Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "LATINA ACTION DAY" – Councilmember Olivier – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of March 21, 2013

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Authorize the Chief of Police to enter into an agreement with Cornerstone Community Care's Street Outreach Services Program for \$95,070 – Police Department

Action Taken: Authorized

- B. Approve a three-year license agreement with Peak Broadcasting for use of Rotary Amphitheater for ten (10) events each year - PARCS Department

Action Taken: Approved

- C. Adopt a CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize the lease agreement with Golden Skies LLC, dba Fresno Flyers at Fresno Chandler Executive Airport-Airports Department

Action Taken: Adopted

1. Authorize the Interim Director of Aviation to execute a lease agreement between Golden Skies LLC, dba Fresno Flyers and the City of Fresno at Fresno Chandler Executive Airport

Action Taken: Authorized

- D. Adopt a CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize the lease agreement with Memley Aviation Inc. at Fresno Chandler Executive Airport-Airports Department

Action Taken: Adopted

1. Authorize the Interim Director of Aviation to execute a lease agreement between Memley Aviation Inc. and the City of Fresno at Fresno Chandler Executive Airport

Action Taken: Authorized

- E. Reject all bids for Broadway streetscape improvements from Divisadero Street to Tuolumne Street, and direct staff to re-bid the project as soon as possible (*Property located in District 3*) - Public Works Department

Action Taken: Rejected

1. **CONSENT CALENDAR CONTINUED**

- F. Adopt a CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) to authorize the license agreement with Clovis Unified School District for use of the Pinedale swimming pool – PARCS Department

Action Taken: Adopted

1. Approve an agreement with Clovis Unified School District for the use of swimming pool at the Pinedale Community Center

Action Taken: Approved

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15325(A)/Class 25 (Transfers of Ownership in Land to Preserve Existing Natural Conditions) of the CEQA Guidelines, for the sale of land located east of Highway 168 and south of Ashlan Ave and used by the Fresno Metropolitan Flood Control District as a storm water control facility (*(Property located in District 4)* – Airports Department

Action Taken: Adopted

1. **RESOLUTION** – Committing the proceeds of the sale of the subject property exclusively for development, improvement, operation and maintenance of the airport or airport system pursuant to Federal regulations

Action Taken: Resolution No. 2013-39 adopted

2. Authorize the Interim Director of Aviation to take any and all actions necessary to close escrow for the sale of certain Fresno Yosemite International Airport owned properties to the Fresno Metropolitan Flood Control District, in the amount of \$648,748.06

Action Taken: Authorized

- B. **RESOLUTION** - Authorizing the submission of applications for grant funds totaling \$1,245,930 for Transit Oriented Development Projects from the Fresno County Measure “C” Transit Oriented Development (TOD) Program and authorizing the execution of application related documents by the City Manager or designee – Development and Resource Management Department and Public Works Department

Action Taken: Discussed/Continued to 4/11/13 along with workshop on transportation funding

- C. Adopt finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15301 (Existing Facilities) of the CEQA Guidelines for the Friant Road Overlay, Champlain Drive to Copper Avenue (*(Property located in District 6)*) - Public Works Department

Action Taken: Adopted

1. Award a construction contract with American Paving Company of Fresno, CA in the amount of \$1,209,746.30 for the Friant Road overlay, Champlain Drive to Copper Avenue and authorize the Public Works Director, or his designee, to sign the contract on the City’s behalf

Action Taken: Awarded

- D. **RESOLUTION** - Authorizing the submission of three (3) grant applications to the California Department of Transportation (Caltrans) fiscal year 2013-2014: one (1) community based transportation planning and two (2) environmental justice transportation planning grants for up to \$800,000 and authorize the execution of documents by the City Manager or designee (*Proposed project located in Districts 1, 2, 3, & 5*) - Development & Resource Management Department

Action Taken: Resolution No. 2013-40 adopted

- E. Approve Amendment No. I to the September 29, 2011, HOME Investment Partnerships Program Agreement with Redding Retirement Housing Corp. to: **1)** increase the HOME Program loan from \$750,000 to \$990,000, **2)** extend the completion date from August 1, 2014 to December 29, 2014, and **3)** Assign the HOME Agreement to Sierra Gateway Senior Residence II as the new entity to construct the 68-unit affordable senior housing project to be located at the southwest corner of W. San Jose and

N. Marty Avenue (APN: 415-044-59) in northwest Fresno (*Property located in District 2*) -
Development and Resource Management Department

Action Taken: Approved

2. **GENERAL ADMINISTRATION CONTINUED**

- F. Request for waiver of a potential conflict of interest by Remy Moose Manley LLP, regarding its continued representation of Friant Ranch LP, as real party in interest in the pending litigations initiated by the City – City Attorney's Office

Action Taken: Request denied

3. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. **SCHEDULED COMMUNICATION**

1. Appearance by Michael D. Evans to discuss scheduling an emergency budget session - **Spoke**

9:45 A.M. **JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION**

- A. Successor Agency Board, City Council and Fresno Revitalization Corporation Board consider approving: (*Successor Agency action*) (*Property located in District 3*)
1. Adopt a Finding of Categorical Exemption Pursuant to Article 19, Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines for demolition and clearance of 3000 E. Butler Avenue located in the South Van Ness Industrial Redevelopment Area; and
Action Taken: Adopted
 2. Award a contract to Caglia Demolition and Recycling, the lowest responsive and responsible bidder for the demolition and clearance of 3000 E. Butler Avenue located in the South Van Ness Redevelopment Area
Action Taken: Awarded

ADJOURN

- 10:00 A.M. **HEARING-** to consider Rezone Application R-09-012, Conditional Use Permit Application No. C-09-161 and related Environmental Assessment for the development of a 10-story building at the south side of River Park Place West between Friant Road and State Route 41 (*Property located in District 6*) – Development and Resource Management Department (*Referred back to staff*)

Action Taken: Referred back to staff

1. Adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. R-09-012/C-09-161
2. **BILL-** Amending the conditions of zoning to increase the building height limitation from six stories and 98 feet to ten stories and 150 feet consistent with the Mid Rise High Rise Corridor designation in the general plan
3. **RESOLUTION -** Approving Mid Rise Conditional Use Permit No. C-09-161 for the development of a 234,723 square foot ten-story office building at a maximum height of 150-feet subject to the following:
 - a. Conditions of Approval dated February 6, 2013
 - b. Operational Statement dated August 11, 2009
 - c. Exhibits A, A-1, A-2, E-1-E5, and L

10:15 A.M.

CLOSED SESSION

- A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiator(s): Bruce Rudd, Ken Phillips
Employee Organizations:
1. IUOE, Stationary Engineers, Local 39 (L39)
 2. Fresno City Employees Association (FCEA)
 3. Fresno Police Officers Association (FPOA Basic)
 4. International Association of Firefighters, Local 753 (Fire Basic)
 5. Amalgamated Transit Union, Local 1027 (ATU)
 6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
 7. Fresno Police Officers Association (FPOA Management)
 8. International Association of Firefighters, Local 753 (Fire Mgmt)
 9. City of Fresno Professional Employees Association (CFPEA)
 10. City of Fresno Management Employees Association (CFMEA)
 11. Fresno Airport Public Safety Supervisors (FAPSS)
- Action Taken:** Removed from the agenda
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. City of Fresno v. Chevron USA et al. MDL 1358; CV-04973 (SAS)
- Action Taken:** Held
- C. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Government Code Section 54956.8
Property: Three parcels east of Highway 168 and south of Ashlan Avenue used by CalTrans as a wild life preserve/wetlands/open space, currently owned by Airports Department
Negotiators: City: Kevin Meikle CalTrans: Roberta Odahl
Under Negotiation: Terms
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:30 A.M. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15325(A)/Class 25 (Transfers of Ownership in Land to Preserve Existing Natural Conditions) of the CEQA Guidelines, for the sale of land located east of Highway 168 and south of Ashlan Avenue and used by Caltrans as a wildlife preserve - Airports Department
- Action Taken:** Adopted
- a. **RESOLUTION** – Committing the proceeds of the sale of the subject property exclusively for development, improvement, operation and maintenance of the airport or airport system pursuant to federal regulations
Action Taken: Resolution No. 2013-441 adopted
 - b. Authorize the Interim Director of Aviation to take any and all actions necessary to close escrow for the sale of certain Fresno Yosemite International Airport owned properties to the State of California, Department of Transportation, in the amount of \$775,663
Action Taken: Authorized

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr. 4 - NO MEETING – EASTER BREAK

May 2 - 10:00 A.M. HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2008-13) (northwest corner of W. Herndon Avenue and N. Riverside Drive) **(Council District 2)**

May 9 - NO MEETING - RECESS

May 16 - 1:30 P.M. HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 4 (Final Parcel Map No. 2006-20) (N. Figarden Drive and N. Gates Avenue) **(Property located in District 2)**

UPCOMING EMPLOYEE CEREMONIES

April 24 (Weds) 2:00 P.M. Presentation of Employee Service Awards - Council Chambers – **(Reception immediately following - 2nd floor foyer)**

May 23 - 8:30 A.M. Presentation of P.R.I.D. E. Team Certificates for the spring quarter **(Reception immediately following - 2nd floor foyer)**